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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - -

RE: Rockies Express Pipeline Project
Eastern Phase,

Docket No. PRO6-30-000

- - -

DATE: Wednesday, September 13, 2006

TIME: 7:00 p.m. - 10:00 p.m.

LOCATION: Edgwood High School Auditorium

5005 Oxford State Road

Trenton, OH 45067

1 P R O C E E D I N G S

2 MS. LYKENS: Good evening and welcome.
3 I personally want to thank you for coming out
4 tonight. My name is Alisa Lykens and I worked with
5 the Federal Energy Regulatory Commission, and I am
6 the Commission's Environmental Project Manager for
7 the Rockies Express Pipeline Eastern Phase Project.

8 As you are aware, Rockies Express
9 Pipeline, LLC, is proposing to build, as its eastern
10 phase, about 622 miles of 42 inch diameter pipeline,
11 five new compressor stations and other pertinent
12 taps and meter station facilities in the states of
13 Missouri, Illinois, Indiana and Ohio.

14 The Rockies Express Project, Eastern
15 Phase, is currently in the preliminary stages of
16 design, and at this time, a formal application has
17 not been filed at the Commission.

18 For this proposal Commission is
19 initiating its National Environmental Policy Act
20 review prior to receiving the application. This
21 allows interested stakeholders to become involved
22 early in the project planning and to identify and
23 attempt to resolve issues before an application is
24 filed at the Commission.

25 The National Environmental Policy Act

1 requires that the Commission take into account the
2 environmental impacts that could result from an
3 action whenever it considers issuing the certificate
4 of public convenience and necessity under Section 7
5 of the Natural Gas Act. The Act also requires us to
6 identify and address concerns the public would have
7 about the proposal. An environmental document, in
8 this case, an Environmental Impact Statement or EIS
9 will be prepared to disclose what the environmental
10 impacts would be if the project is approved and is
11 ultimately constructed and operated.

12 That being said, the purpose of
13 tonight's meeting is to hear from you. We would like
14 to know now what the environmental issues are so we
15 can address it now rather than after an application
16 is filed.

17 I'd like to discuss the agenda for
18 this evening. After my introductory remarks I will
19 have Rockies Express present a short description of
20 their project since there may be several attendees
21 who are here tonight who did not get a chance to
22 attend one of Rockies Express' open houses which were
23 held in June. Then I will go over how the Commission
24 will take your comments on the record and from there
25 we'll open the record up to you.

1 I'd like to introduce a few staff
2 members who are with me tonight on this environmental
3 review team, Ellen St. Onge, a staff archeologist,
4 who was out in the sign-in table. You might have met
5 her out there. And from ICF International, I'd like
6 to introduce, to my right, Don Hammer, and also with
7 ICF is Jennifer Thomas and Alexis Casury, who were
8 also at the sign-in table. Don, Jennifer and Alexis
9 are FERC's third-party contractors and they'll be
10 assisting me and the other agencies with preparing
11 the Environmental Impact Statement for this proposal.

12 At this time I'd like to introduce to
13 you Harold Winnie from the U.S. Department of
14 Transportation, Office of Pipeline Safety. Harold is
15 with the Pipeline and Hazardous Materials Safety
16 Administration. At this time, I'd like to invite
17 Harold to speak to you about his agency's role in
18 this project.

19 MR. WINNIE: Good evening. My name is
20 Harold Winnie. I am an Engineer with the Office of
21 Pipeline Safety, which is a branch of the U.S.
22 Department of Transportation, Pipeline and Hazardous
23 Materials Safety Administration, PHMSA, Pipeline
24 Safety Program. I would like to thank Alisa Lykens
25 for inviting me to this scoping session.

1 Given the concerns of the public with
2 respect to pipeline safety, my purpose at this
3 meeting is to assure you that if the pipeline
4 receives a favorable review from FERC, the Pipeline
5 and Hazardous Materials Safety Administration,
6 through its partnership with the Public Utilities
7 Commission of Ohio, PUCO, will maintain a continual
8 regulatory watch over the pipeline from its
9 construction to its testing and for the entire
10 operational life of the pipeline.

11 This regulatory oversight will consist
12 of measuring the operator's performance to ensure
13 that the pipeline is constructed of suitable
14 materials; that it is welded in accordance with
15 industry standards; that the welders themselves are
16 qualified to join the pipeline; that the pipeline is
17 installed to the proper depth; that it is coated to
18 assure effective cathodic protection from corrosion;
19 that the backfill is suitable and that it is properly
20 tested upon completion to ensure that it can hold up
21 to the pressures that the operator requires to
22 transport his product.

23 Beyond the construction process, the
24 PUCO Pipeline Safety Program conducts inspections
25 periodically over all aspects of the operations and

1 maintenance of the pipeline. The operator must have
2 a written plan in place to instruct his personnel and
3 to relate to federal inspectors and state inspectors
4 exactly what testing or monitoring is done and the
5 frequency. In addition, if testing or monitoring
6 prompts a response or a corrective action, the
7 operator must detail his response to address
8 problems. Examples of the checks that an operator
9 must have in place are: The adequacy of the cathodic
10 protection, monitoring the surface of pipelines
11 exposed to the atmosphere, annual testing of the
12 pipeline valves and inspection of pressure regulation
13 and relief devices to assure that the pipeline does
14 not exceed its maximum allowable operating pressure,
15 periodic patrolling and leakage survey of the
16 pipeline, following allowed procedures for the
17 pipeline repair.

18 Beyond the routine functions that have
19 for decades been the baseline for operations and
20 maintenance, PHMSA has in the past few years
21 implemented new initiatives to ensure pipeline
22 safety.

23 At the forefront is the Integrity
24 Management Program. This program was published in
25 the Federal Register December 15, 2003. It requires

1 operators to identify high consequence areas, (a
2 class 3 or class 4 area or other areas with specified
3 population density concentrations or buildings of
4 assembly or buildings housing confined or impaired
5 persons.)

6 IMP mandates that operators rely not
7 on spot checks, but a comprehensive understanding of
8 its pipelines using established risk assessment
9 methods, combined with emerging technology. The
10 attempt is to find critical defects and repair them
11 before a failure occurs. The plan is continual,
12 implementing up-to-date mapping techniques,
13 hydrostatic testing, in line inspection, ILI of the
14 pipeline, verification of the ILI, and additional
15 steps to assure that the pipeline has a real time
16 file with any anomalies documented and tracked. To
17 measure the effectiveness of its integrity management
18 plan, operators are required to measure performance
19 through a variety of measurements including test
20 excavations.

21 In addition to the physical pipeline
22 itself, Congress has mandated that operator personnel
23 who perform operating, maintenance or emergency
24 response, be qualified, OQ, in the performance of
25 those functions. The aim of this initiative is to

1 minimize operator error as the cause of any pipeline
2 failure. Beginning in 2001, operators were required
3 to develop a written plan to qualify every individual
4 performing a covered task. This has been expensive,
5 not only to perform the testing, but it has also
6 launched more intensive training programs for
7 employees and contractors who operate and maintain
8 the pipeline.

9 The OQ regulation was stacked on top
10 of the 1988 requirement for operators to perform
11 mandatory drug and alcohol testing for all employees
12 who perform operations, maintenance, and emergency
13 response functions. This was not precipitated by
14 substance abuse in the pipeline industry, but as a
15 USDOT initiative on operators of transportation
16 systems. Drug and alcohol abuse had been discovered
17 in post-incident investigations in other sectors of
18 the transportation industry. Presently, an operator
19 must conduct random drug testing of 25 percent of its
20 employees annually, performing covered tasks, as well
21 as pre-employment testing and post-incident testing.

22 Another incident -- Another
23 initiative, relevant to this meeting, is Public
24 Awareness. Recently a standard was adopted as
25 regulation API RP 1162. The standard requires

1 operators: to identify persons along the right-of-way
2 affected by the pipeline; to inform the public about
3 recognizing leaks and taking appropriate action, and
4 to evaluate the effectiveness of the program. RP
5 1162 establishes lines of communication and
6 information sharing with the public, excavators,
7 emergency responders, and local officials. Operators
8 have prepared their written plans to comply with the
9 standard due June 20, 2006, and are required to
10 submit their plans to PHMSA by October 8, 2006, for
11 review.

12 The initiatives that I have described
13 above are a sampling of what PHMSA's Pipeline Safety
14 Program does. As I said earlier, PUCO inspects the
15 interstate natural gas operators in Ohio. If an
16 operator's procedures are found inadequate or if an
17 operator is not following its procedures or the
18 appropriate regulatory requirements, PHMSA is
19 authorized to seek punitive action in the form of
20 remedial action, civil penalties, which is a frequent
21 practice, and even criminal action. The authority is
22 granted by Congress, and the agency is responsible to
23 Congress for the execution of its mandates.

24 The other issue that is important to
25 understand is damage prevention. The State of Ohio

1 has legislation that requires anyone performing
2 excavation activities to call the one call center in
3 advance of the work and have all underground
4 utilities located with paint and/or flags. Since,
5 third-party damage is one of the major causes of
6 damage to pipelines, it is important for each of us
7 to utilize the one-call system prior to doing any
8 excavations, and to make sure that others digging in
9 our neighborhoods have had the underground utilities
10 located prior to excavating by looking for the paint
11 and/or flags marking those facilities around
12 construction sites.

13 Should you need additional information
14 you can visit the PHMSA website or you can contact
15 either Karen Butler or myself at our Kansas City,
16 Missouri Regional Offices at 816-329-3800.

17 I hope that the preceding has been
18 informative. PHMSA's Pipeline Safety Program's
19 mission is safety, and we want to assure the public
20 that its interests' are not ignored in this area.

21 If there are any questions, I will be
22 around for a short while at the conclusion of the
23 meeting.

24 MS. LYKENS: Thank you. We expect
25 that other federal and state agencies, such as the

1 U.S. Army Corp of Engineers will cooperate with us in
2 producing environmental impacts --

3 UNIDENTIFIED SPEAKER: Can you speak
4 up please. We're having a hard time hearing.

5 MS. LYKENS: We expect that federal or
6 state agencies, such as the U.S. Army Corp of
7 Engineers will cooperate with us in producing an
8 environmental impact statement to meet the National
9 Environmental Policy Act requirements for various
10 agencies. We also will be including information from
11 the state agencies from Missouri, Illinois, Indiana,
12 Ohio in the EIS.

13 At this time, I'd like to call Rockies
14 Express to come forward to present their project, and
15 that's going to be presented by Alice Weekly.

16 MS. WEEKLEY: My name is Alice
17 Weekley, I'm the Project Manager for the Rockies
18 Express Pipeline Project. I have a small confession
19 to make. I went to a small little football game in
20 Austin, Texas this past weekend and I can assure you
21 I stand humbly before you this evening.

22 The Rockies Express Pipeline project
23 is a major domestic energy infrastructure project.
24 The purpose of this project is to bring and to
25 transport natural gas from the Rocky Mountains to the

1 market here in the central United States.

2 One of the benefits of the project is
3 to provide the State of Ohio with a significant
4 domestic source of clean burning fuel.

5 The Rockies Express Project is being
6 developed by Rockies Express, LLC, which is an
7 agreement between Kinder Morgan Sempra and Conaco
8 Phillips.

9 The Rockies Express Pipeline System is
10 composed of three distinct projects. Rex Entrega
11 Project is a pipeline in Colorado which is currently
12 being construction. Rockies Express West is a
13 proposed 713 mile project pipeline running from Weld
14 County, Colorado to Audrain County, Missouri.

15 The project I want to talk to you
16 tonight about, though, is known as the Rockies
17 Express East Pipeline Project, but we call it Rex
18 East for shorthand. It is a 42-inch proposed
19 pipeline running from Audrain County, Missouri to
20 Monroe County, Ohio.

21 The length of the pipeline is
22 approximately 622 miles. There will be 20 meter
23 stations, and 12 of those delivery points are here in
24 the state of Ohio.

25 Compressor stations will also be built

1 in conjunction with Rockies Express East Pipeline
2 Project. These compressors will compress the gas to
3 move up to two billion cubic feet per day of natural
4 gas through the system.

5 The pipeline will be buried, and
6 generally speaking, will have three feet of cover
7 from the top of pipe. The pipeline will be made of
8 high-grade steel that will be approximately half an
9 inch thick.

10 In June of this year REX East
11 submitted its pre-filing to FERC. As part of our
12 community outreach program we held 18 open houses in
13 June for land owners and other interested
14 stakeholders. In July of this year, we began our
15 civil survey. And just last week, we kicked off our
16 environmental surveys crews.

17 We hope to have the majority of the
18 pipeline surveyed, from a civil survey point of view,
19 completed by the end of this fall, but we will
20 continue to have people out in the field to complete
21 remaining environmental surveys, the wetlands
22 delineation, threatened and endangered species,
23 cultural resource, water crossings, and other surveys
24 necessary for the project.

25 In early Spring of next year, we would

1 like to file for our FERC certificate. We hope to
2 receive the FERC certificate first the quarter of
3 2008 and begin construction in the second quarter of
4 2008.

5 Our plan is to have the pipeline built
6 and in service by the end of the year in 2008, along
7 with the 20 associated meter stations and those for
8 the compression. We will be commissioning the
9 remaining three compressor stations in June of 2009.

10 We are looking forward to your input
11 and we do have a toll-free number that you can call
12 us or to contact us. That toll-free number is
13 1-866-566-0066. That number again is 1-866-566-0066.
14 We also have a website. The name of the website is
15 Rexpipeline.com, R-E-X, Rexpipeline.com. We will be
16 available to answer any questions after the meeting.
17 We have representatives from our environmental --
18 Excuse me -- our environmental crews, construction
19 crews, as well as right-of-way agents. Thank you for
20 your time.

21 MS. LYKENS: Thank you. Now I'd like
22 to briefly discuss the Commission's pre-filing
23 process. In June, 2006, the staff began the
24 pre-filing process for this proposal. Many of you
25 have received the notice of intent flyer, which is

1 why you are here. The project is still in the design
2 state and specific details have not yet been
3 identified. A formal application has not yet been
4 filed with the commission. The goal of this
5 pre-filing process is to facilitate the interaction
6 of federal, state, local agencies and affected
7 property owners and other interested stakeholders by
8 preparing a more complete application of the filing
9 of Rockies Express Application.

10 The notified stakeholders include all
11 of you that are here tonight. I also want to state
12 that the Commission is not a proponent of Rockies
13 Express Project, but as an advocate for the process
14 involved in reviewing the project.

15 There will be several opportunities to
16 comment on the project as information is made
17 available. More information will be made available
18 on the Commission's E-Library System as Rockies
19 Express files updates of its project. Documents
20 that are filed under the project document number will
21 be posted on the Commission's website and include any
22 written comments that may be filed by you.

23 Instructions on how to access the
24 Commission's website are addressed in the notice of
25 intent that was mailed. The notice also contains

1 instructions on writing written comments, if you
2 prefer to comment in that manner.

3 The notice also discussed how to
4 submit electronic filings by using our website.
5 Please note the notice states that the comment period
6 expires on September 29th, 2006. We close the
7 initial comment period to gauge what the preliminary
8 issues are. However, because we are still in the
9 pre-filing process, we will take comments all through
10 it, all through the proceeding, and there will be
11 many other opportunities for your participation if
12 and when Rockies Express files an application at the
13 Commission.

14 Now let me discuss the Environmental
15 Impact Statement. Rockies Express is conducting
16 environmental studies on its preferred route, and per
17 Commission's regulations and the National
18 Environmental Policy Act is also studying several
19 route variations and alternatives.

20 When Rockies files its application, it
21 will file several environmental resource reports for
22 its preferred route based on survey results. The
23 resource reports cover geology, soils, vegetation and
24 wild life, including federally listed species, land
25 use, recreation, cultural resources, pipeline safety

1 and reliability, air and noise quality and
2 alternatives.

3 When Rockies files its application it
4 will include finalized resource reports that it is
5 currently preparing based on their surveys. The
6 resource reports will be used to develop the draft
7 Environmental Impact Statement, and to comply with
8 the Commission's requirements, Rockies Express is
9 seeking survey permission of property owners to
10 conduct environmental and engineering surveys. The
11 surveys will help the Commission identify sensitive
12 ecological habitats and features, cultural resources
13 and any engineering constraints. These surveys are
14 critical to assist the Commission in assisting
15 Rockies Express' -- I'm sorry -- in assessing Rockies
16 Express' Resource Reports and application.

17 First, staff will consider the
18 application, together with the information that is
19 filed by you and the stakeholders. Then we will
20 prepare the draft Environmental Impact Statement for
21 public review and comment. The Draft EIS is our
22 independent analysis based on what is filed in the
23 environmental proceeding for this proposal. Staff
24 also consults with the appropriate resource agencies
25 to verify information before making any

1 recommendations with state and federal agencies. The
2 Draft Environmental Impact Statement will include any
3 mitigation or recommendations needed to avoid or
4 reduce impacts as appropriate. Once the draft EIS is
5 issued for public comment, the public will have 45
6 days to provide written comments. Then we will come
7 back here and have another public meeting similar to
8 this one to hear comments on the Draft EIS.

9 Comments received on that Draft EIS
10 document will be incorporated into a final document.
11 Comments will be taken on the final Environmental
12 Impact Statement, which will be incorporated into the
13 proceeding and presented before the Commissioners of
14 the Federal Energy Regulatory Commission.

15 Commission staff will also look at
16 other issues that are not environmental, such as
17 economic, market rates, need for the project, cost of
18 service and other issues.

19 Commission will use that information
20 gathered in the proceeding, both in the environment
21 and the non-environment aspects and will vote to
22 approve or deny the project.

23 Okay. We are ready to hear from you.
24 If you do not feel comfortable speaking tonight,
25 please understand that written comments are

1 considered equally by the Commission. So I encourage
2 you to write to the secretary of the Commission.

3 Now for those of you who are on my
4 speakers list, please come to the microphone when I
5 call your name. Bear with me on pronunciation.
6 Please say your name slowly and spell your last name
7 for the court reporter. Remember the more specific
8 your comments about the environment or your property
9 the more useful they'll be for us.

10 You may have noticed that we have a
11 court reporter recording the meeting. The record is
12 being made of everything that is being said tonight
13 during this official scoping meeting. If you would
14 like to purchase a copy of the transcripts, please
15 see the court reporter after the meeting.

16 Again, I am specifically looking for
17 comments on the record. I am not entertaining
18 questions on the record tonight, so please limit your
19 remarks to concerns or issues that may relate to your
20 property or the environment. The Commission staff
21 and the other agencies present tonight are willing to
22 answer any individual questions you may have
23 following tonight's meeting.

24 Please note that I may need to limit
25 the amount of time for your comments based on how

1 many people we have signed up to speak. This is so
2 everyone will get a chance to speak since we do have
3 an time limitation tonight to use the building.

4 Our first speaker is Peter Yaekle.

5 MR. YAEKLE: The comments I have are
6 related to the comments from the Trustees' meeting
7 and the resolution that they have. Mr. Dennis
8 Pickett, who's sitting next to me was delayed by the
9 train. I was wondering if it would be acceptable if
10 I asked him to have his comments first since he was
11 delayed by the train then I could have my comments or
12 would you want me to proceed?

13 MS. LYKENS: Did he sign our speakers'
14 list?

15 MR. PICKETT: Yes, ma'am.

16 MR. YAEKLE: Yes, ma'am. He's the
17 Administrator for Clearcreek Township and he has a
18 Resolution from the Trustees which I feel are very
19 important and my comments relate after his. I'm a
20 property owner. He speaks for the township.

21 MS. YAEKLE: Well, I understand that,
22 but I'd like to continue in the order that they're
23 called. Thank you.

24 MR. YAEKLE: Okay. My name is Peter
25 Yaekle. It's spelled Y-A-E-K-L-E.

1 UNIDENTIFIED SPEAKER: More volume.

2 MR. YAEKLE: More volume? Okay. Is
3 that better? Okay.

4 My wife and I live at 1932 West State
5 Route 122, Lebanon, Ohio, 45036. This is in
6 Clearcreek Township, Warren County, Ohio.

7 On your map -- That's Rockies Express'
8 map -- we are located at mile marker 429. We support
9 Clearcreek Township Trustees' Resolution 3132 and
10 Township Administrator, Mr. Dennis Pickett's
11 statements to this Environmental Impact forum. If
12 you choose to grant Rockies Express a waiver from the
13 existing easement, we offer the following
14 information:

15 Number one, cost savings in time and
16 material during installation. This can be
17 accomplished by merely changing the proposed loop
18 route slightly. Instead of crossing State Route 122
19 to the west of my property, then going directly
20 through my property, then changing angles and going
21 parallel to State Route 122 to reach the Lebanon hub,
22 instead, you can stay in the open the farm field on
23 the south side of State Route 122 and go diagonally
24 through that open farm field in the Lebanon hub which
25 is a shorter distance. This is a savings in time and

1 material because this open farm field has only small
2 drainage ditches and a few trees.

3 Number two, the true impact to the
4 environment and the future land value of the proposed
5 route to my family and neighbors in Clearcreek
6 Township is quite severe. If you allow the proposed
7 route, the pipeline will enter my property 300 feet
8 off State Route 122 on the west side, go diagonally
9 1,000 feet, cutting the property with one-third in
10 front and two-thirds behind our property is a -- Our
11 property is a rectangle. It's approximately 800 feet
12 across in front and 1600-plus feet deep, totaling 27
13 acres of many hundreds of beautiful trees bushes and
14 wild flowers. The trees form a natural canopy. The
15 construction easement will clear cut a path a path
16 destroy three acres, along with going through Amber
17 Creed.

18 The United States Department of
19 Agriculture states that one acres of forest will
20 absorb six tons of carbon dioxide and produce four
21 tons of oxygen to sustain 18 people. The three acres
22 will sustain 54 people. We need this oxygen since we
23 are the second fastest growing counties in the state
24 of Ohio. The proposed route will divide the land
25 with one-third having access for any future

1 development and two-thirds land-locked because you
2 cannot build a road across shallow field depth.

3 The present value is diminished and
4 the future value is worthless.

5 In summary, it would be more cost
6 effective for Rockies Express to stay across State
7 Route 122 to do the route through open farm fields
8 and impact the future health and well-being of our
9 fast-growing county.

10 Those are my comments.

11 MS. LYKENS: Thank you.

12 MR. YEAKLE: Thank you. Jack Confer.

13 MR. HOPPER: (INDISCERNIBLE) and I
14 will give you -- I probably will write some comments
15 to you.

16 MS. LYKENS: Thank you. Ken Keifer.

17 MR. KEIFER: My name is Ken Keifer. I
18 live at 1300 Chapel Road, Morgan Township, in Okeana,
19 Ohio. My parents live on the property adjacent to me
20 and the pipeline will run diagonally across the
21 parcel of land.

22 From what I am understanding here, the
23 main thing that your agency is concerned about is an
24 environmental impact, basically, how it would affect
25 endangered species, wetlands, et cetera, but there

1 are alot of other issues that are involved here for
2 individuals who are along this proposed pipeline
3 route. One of them is the acute property devaluation
4 brought by the pipeline going through their property.
5 Second is the loss of use of the property. A 50-foot
6 easement over alot of open farm land is quite a few
7 acres of property that will not be able to be used
8 for the foreseeable future.

9 Also if it takes a 125 feet to install
10 the pipeline, obviously, if there are problems with
11 maintenance with the pipeline, then they're going to
12 also need that additional space in order to dig this
13 pipeline up to do the repairs, et cetera. So if
14 someone was to build up to the easement of 50 feet
15 and then 20 years later they decided to repair this
16 pipeline, obviously, they would have considerable
17 damage to their property because heavy equipment will
18 not be able to get in and maneuver around the
19 structures.

20 Also there is going to be a
21 significant change in the contour of the land. A
22 42-inch pipeline and you're talking about a
23 considerable amount of rock and stone, dirt and
24 everything that has to be moved to allow that
25 pipeline to go through and then, obviously, that dirt

1 and soil isn't going to be hauled away. So that's
2 going to be spread out over the land that's there and
3 if you have good production farm land, you're going
4 to damage that productivity and that property for
5 many yeras to come.

6 And that's pretty much my comments.

7 MS. LYKENS: Thank you. Kate Little.

8 MS. LITTLE: Hello! My name is
9 actually Kitty Kate Little (spelling) L-I-T-T-L-E. I
10 live at -- I didn't want to write it down for obvious
11 reasons. I live at 6085 Springvale Drive,
12 Middletown, Ohio, 45044.

13 Compared to some of the wonderful
14 information that was already presented, mine is very
15 egocentric in nature, obvious to say, just very much
16 tunnel vision about my own property. If that hundred
17 and 25-foot clearance is needed for the construction
18 of this pipeline that will infringe on my leach bed
19 and if anybody knows what a leach bed is, that
20 concerns me greatly because I don't know what they're
21 going to do about it because if they run heavy
22 equipment over the leach bed, I'm sure it's going to
23 result in major damage and I'm sure I'm going to end
24 up with a stinky house which is the last thing I
25 want, no offense to Rockies Pipeline.

1 Also, we have a pipeline -- we have
2 electrical towers that run parallel for, I think, the
3 pipeline is proposed to go. On the other side of the
4 towers are existing pipelines. Now, I just read in
5 the booklet that they try to keep 25-foot of distance
6 between existing pipelines. So the then I also have
7 a concern if something goes wrong or when they're
8 trying to construct the pipeline, how are they,
9 indeed, going to come across that area to get to the
10 area where they're going to construct the proposed
11 pipeline.

12 And then I've got a few additional
13 questions about the things that are already in that
14 area, you know, if it's the responsibility of the
15 landowner then to have those things removed, like
16 sheds or swimming pools that my neighbors already
17 have established on their land. So there's alot of
18 other specified questions that we need to have,
19 potentially answered so that we want to feel more
20 comfortable with what's going on.

21 And, subsequently, I was contacted as
22 soon as school was out, so I'm thinking like the
23 first week of June to ask my permission to survey my
24 property which I granted, but I explained that, you
25 know, I had a dog, electric fence. I wouldn't want

1 the dog to bite someone and they told me that they
2 probably could not survey until the first two weeks
3 of July. No one showed up; no one called; that's a
4 concern. That's a concern.

5 When I returned back to work because
6 I'm a teacher, they called one day, checked the
7 messages and they're going to be out that coming
8 Wednesday. I couldn't take off because I didn't have
9 enough time to issue my personal day, logistic day
10 and I convinced my neighbor to take a day off. No
11 one came out. Luckily, he called someone who
12 information received to find out what was going on.
13 So, again, I have alot of concerns and I know that
14 all of us have more specifics about what's going on,
15 and I know that's very hard at this point in time,
16 but I think that we desperately need that to make a
17 valuable, educated judgment on what is going to
18 happen. Thank you.

19 MS. LYKENS: Thank you. Ben Teeks.

20 MR. DEEKS: I guess I have some
21 questions that kind of follow up on the lady in front
22 of me is that is there a number that was given to us
23 by -- was it Alice Weekley, from Rex.

24 MS. WEEKLEY: Yes, that's me.

25 MR. DEEKS: Is the number that she

1 gave us, then, the number that we should call for
2 specific questions that relate to our specific area?

3 MS. WEEKLEY: Yes.

4 MS. LYKENS: Yes.

5 MR. DEEKS: Okay. The question I have
6 for you folks is -- By the way my name is Ed Teeks.
7 I'm sorry; I didn't introduce myself. I'm Morgan
8 Township Zoning Administrator and because of the
9 position I have, I'm receiving concerned phone calls
10 from folks in Morgan Township and I have very little
11 information to give them.

12 The question I would have of you folks
13 and you've kind of implied it, but is the current
14 survey, the engineering survey that's taking place
15 now, is that fairly preliminary or is the route in
16 which it is marked right now, is that kind of a set
17 in stone? Is that where it's going to be? Can you
18 answer that question for me? And the reason I ask
19 whether it's preliminary or not, because I had one
20 lady who called the house -- the pipeline is going to
21 be 25 feet from her front door. When she built her
22 house, she had 75 feet from the existing Texas
23 Eastern pipeline. The proposed route for the Rex
24 pipeline is going to be between her house and the old
25 pipeline, so therefore, their 75 foot comfort zone,

1 so to speak, is gone.

2 Another lady was concerned that the
3 pipeline appears to go through her house. I don't
4 know how many houses Rocky Express, you know, plans
5 on buying, but that's why my question is: Is this a
6 preliminary survey or is this definite; is this where
7 the pipeline is going?

8 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)

9 MS. LYKENS: Why don't you come up to
10 the microphone, please.

11 MR. THOMPSON: I'm sorry. My name is
12 Jim Thompson with Rockies Express Pipeline, and Mr.
13 Teeks, we would available --

14 UNIDENTIFIED SPEAKER: Speak in the
15 microphone.

16 MR. THOMPSON: I'm sorry; excuse me.
17 I have a soft voice, I understand.

18 Mr. Teeks will be available after the
19 meeting to answer those specific questions regarding
20 mapping. We brought along some drawings and some
21 formica sheets that, and we'll be happy to take time
22 to address those. Sorry.

23 MR. TEEKS: Thank you very much. It
24 appears that probably the rest of my questions should
25 go directly to Rocky Express. Thank you very much.

1 MS. LYKENS: Do you have any concerns
2 of the township at this time, other concerns since
3 you're up here?

4 MR. TEEKS: No, only that I guess my
5 main concern is lack of information.

6 MS. LYKENS: Okay.

7 MR. TEEKS: I have called Rocky and I
8 met the gentleman at the Hamiltonian, in Hamilton,
9 when the meeting was there and I called him a week
10 ago and E-mailed him a week ago and have not received
11 a response for my specific question, and I realize a
12 week is not a whole long time, but I also know that
13 alot of times if you don't hear from someone within a
14 week, you don't hear from them at all. So I guess my
15 main concern is to get information that would help me
16 in answering the questions and concerns of the
17 people in my township and also the concern about
18 response time from Rocky Mountain. You know, you
19 have a large company; you're concerned whether
20 they'll answer the questions in a good period of
21 time. That's all.

22 MS. LYKENS: Okay. Thank you. David
23 Croshell.

24 MR. CROSHELL: My name is David
25 Croshell. I live at 3838 West Elton Road, Hamilton,

1 and my wife and I own the property south of Trenton.

2 The proposed route goes through a
3 piece of farm land that at present time does not have
4 any pipelines through it, but this new pipeline will
5 go through it diagonally. I was under the impression
6 that the pipelines should follow old pipeline routes.
7 In fact, we own another piece of property that has
8 three pipelines through it already and there is
9 already a right-of-way paid for to go in between
10 these pipelines with another one. I would like to
11 know why this line deviates from the old Texas
12 Eastern routes, for one thing.

13 The other question I have is the depth
14 of the pipeline. I heard it stated that it would be
15 covered with three feet of dirt which is not enough.
16 I would like to have it buried eight foot deep so
17 that you can take a street or a driveway across it
18 which would make the land on the other side of the
19 pipeline usable.

20 We presently have a situation on our
21 other property where we cannot develop it off of a
22 present road because you can't get across the
23 pipeline with a street.

24 And that's all I have.

25 MS. LYKENS: Thank you. Rob Leichman,

1 or is it Liechman?

2 MR. LEICHMAN: Leichman.

3 MS. LYKENS: Thank you.

4 MR. LEICHMAN: Good evening. My name
5 is Rob Leichman. That's (spelling) LEICHMAN. I'm
6 the service director for the City of Trenton. Their
7 address is 11 East State Street, Trenton, Ohio,
8 45067. I'm here tonight to represent the City as an
9 official, and I want to apologize, first off, for the
10 lack of information. We did not receive the Notice
11 of Intent, to my knowledge, so I'm a little bit at a
12 disadvantage of exactly the routing of this pipeline
13 or the alignment of it. However, our sentiments are
14 very similar to Mr. Croshell in that the City
15 recently purchased some ground some of you may know
16 it as the Fisher property which would be north and
17 south Kennel Road. The City's intent, the reason
18 they purchased that property was to set that aside
19 for industrial growth, specifically to the south of
20 Kennel Road. The property to the north is set aside,
21 designated for a future possible well field. So I
22 would like to see that map later on this evening,
23 kind of get a better idea of where that may be going
24 so that we have an idea of what to plan for. We
25 realize that if you were able to put that in the

1 existing three lines that are already in the ground,
2 Texas Eastern and Tempco, that would be a better
3 place for it. The City, right now, is not very
4 interested in granting an easement or something of
5 that nature for a new routing in our industrial
6 ground.

7 So that's our comments on the City's
8 behalf this evening. I appreciate it.

9 MS. LYKENS: Thank you very much.
10 Dennis Pickett.

11 MR. PICKETT: My name is Dennis
12 Pickett (spelling), P-I-C-K-E-T-T. My business
13 address is 7593 Bunnell Hill Road, Springboro, Ohio,
14 45066, and I'm the Clearcreek Township Administrator.

15 According to the Federal Register,
16 "The Rockies Express pipeline would be located in a
17 common right-of-way with other pipelines for
18 approximately 90 percent of the pipeline route." In
19 Clearcreek Township, Warren County, Ohio, only about
20 25% of the REX project is proposed for co-location
21 with existing pipeline easements. Two natural gas
22 and fuel product compressor stations, Texas Eastern
23 and Transmission and Duke Energy and Consolidated Gas
24 Transmission, now Dominion, and assorted metering
25 stations that comprise the Lebanon Hub, two fuel

1 product storage depots, TEPPCO and Marathon Ashland
2 Petroleum, LLC, a number of new residential
3 developments, along with the Warren County Joint
4 Vocational School have infiltrated along the existing
5 interstate pipeline easements through the Township.
6 To avoid these construction cost impediments, the REX
7 project engineers have plotted a course in Clearcreek
8 Township through a narrow corridor of currently
9 undeveloped land north of the existing pipeline
10 easements.

11 The preliminary track for the pipeline
12 in Clearcreek Township generally tends toward the
13 middle of tracts, which range in size from a small of
14 23.929 acres to the largest of 240.886 acres. When
15 you compare the only version of the proposed pipeline
16 route provided to the Township with existing property
17 lines, you can see it is obvious that REX avoided
18 property boundaries. The designers also opted to
19 skirt most of the neighboring concentrations of
20 buildings intended for human occupancy by more than
21 220 yards. The obvious objective for this design is
22 to maintain a Class 1 location unit as detailed in
23 Title 49 C.F.R. Section 192.5. Presumably, this
24 tactic will reduce material and construction costs.

25 If the entire bypass route showed

1 promise of remaining in agricultural use for the life
2 of the proposed pipeline, this plan would be
3 understandable. However, it is unthinkable that the
4 corridor chosen for the pipeline will remain
5 undeveloped for the next 75-100 years. According to
6 the U.S. Department of Commerce, Bureau of the
7 Census, Warren County, Ohio, is the 50th fastest
8 growing county in the United States with a population
9 growth rate of 19.4 percent between 2000 and 2004.
10 From the same source, Clearcreek Township's
11 population grew from 20,974 in 2000 to 26,499 in
12 2004, for a growth rate of 26.1 percent. In the face
13 of this kind of population growth, it is virtually
14 assured that all of the undeveloped tracts along the
15 proposed pipeline route will be converted to
16 residential and/or industrial uses during the early
17 lifetime of the proposed pipeline.

18 The transition from agriculture to
19 homesites in this area of the Township is not idle
20 speculation. There is a current residential
21 development underway along the proposed REX bypass.
22 Part of the land owned by John Sulfted, at 1266 Pekin
23 Road, has been subdivided into 30 lots in four
24 separate subdivision sections. The remaining 78
25 acres is approved to be developed into another 61

1 lots. The adjoining 67.085 acres to the east was
2 purchased on August 14th of 2006, by Thorman
3 Construction, Incorporated, for the purpose of
4 constructing a 31-lot residential subdivision
5 submitted to the Warren County Regional Planning
6 Commission for review on July 7th of 2006. While
7 none of the other bypass properties are currently in
8 the official subdivision review process, soaring land
9 costs and other factors are poised to end agriculture
10 in Clearcreek Township in years, not decades.

11 Clearcreek Township believes the REX
12 designers are intimately aware of the local housing
13 trends and are playing a "shell game" with their
14 route choices and the Department of Transportation
15 regulations. The designers have maneuvered an
16 initial pipeline route that meets the Class 1
17 location criteria for construction. A Class 1
18 location unit is designed, nor is it the designation
19 for the most rural pipeline where there are 10 homes
20 or less in any pipeline mile. Class 1 locations
21 allow a pipe wall thickness that is the thinnest and
22 most highly stressed by pipeline operating pressures.
23 If the proposed route in Clearcreek Township was
24 shifted away from the center of undeveloped tracks
25 and closer to the property lines, federal

1 transportation regulations would require almost all
2 the pipelines to be built to Class 2 standards.

3 It took some time to unravel the
4 curious answers I have received from REX to
5 understand the "shell game." It didn't make sense to
6 put a pipeline in the middle of a vacant field that
7 would soon be a subdivision. It seemed penny wise
8 and pound foolish to install a rural pipe, only to
9 dig it up and replace it when the neighborhood
10 transitioned to a Class 2 or Class 3 location unit.
11 However, when the REX representatives did not know
12 who would pay to install thicker walled pipe, it
13 became obvious there was more to this story.
14 Research has disclosed pipeline companies do not
15 necessarily have to replace the pipe; that they
16 merely be required to reduce the line pressure.
17 Still, it seemed foolish to propose a Compressor
18 Station in Warren County immediately west of
19 Clearcreek if it is clear our community will soon
20 transition to a higher Class rating, causing pressure
21 reductions in the near future for a 1323-mile-long
22 pipeline.

23 The explanation for such a
24 shortsighted approach to a major capital investment
25 is revealed in the waiver granted by the Pipeline and

1 Hazardous Materials Safety Administration. It's
2 Docket Number PHMSA-2006-23998. The waiver permits
3 REX to increase the standard hoop stresses from 72
4 percent to 80 percent in Class 1 locations only. The
5 waiver also requires a Pre-in-service Hydrostatic
6 Pressure Test of at least 100 percent of the
7 specified minimum yield strength and 125 percent of
8 the maximum allowable operating pressures for those
9 areas subject to the waiver. Pursuant to Title 49
10 C.F.R. Section 192.611(a)(1) in an area which has
11 transmission from Class 1 to a Class 2 location, the
12 maximum allowable operating pressure is .8 times the
13 test pressure. Since .8 times a test pressure of 125
14 percent equals 100 percent of the maximum allowable
15 operating pressure, an increase in population density
16 up to 46 homes per mile of pipeline will have no
17 effect on pressure.

18 By the same regulation, the maximum
19 hoop stress for a Class 1 location that transitions
20 to a more dense population of 72 percent, which is
21 the same maximum for a pipeline installed in Class 1
22 locations. So the waiver not only permits a thinner
23 pipe wall thickness, the required testing, in effect,
24 negates the difference between federal regulations
25 between Class 1 areas that transition to a Class 2

1 after construction is completed.

2 Whether it is intended or not, the
3 Pipeline and Hazardous Materials Safety
4 Administration Waiver has given REX the incentive to
5 work hard to install its pipeline only in Class 1
6 locations.

7 In defense of PHMSA, if 90 percent of
8 a new pipeline is co-located with older pipelines in
9 existing Class 1 areas, it is reasonable to predict
10 that the likelihood of the route transitioning to a
11 higher Class is small. I have found no mention of
12 the 90 percent co-location in any REX literature,
13 however. The highest percent of co-location
14 mentioned by Dwayne Burton of Kinder Morgan, Inc., in
15 the Waiver Request is 75 percent. Most of the
16 majority characterizes the balance of the co-location
17 references. Yet, 90 percent co-location figures
18 prominently, in virtually every PHMSA description of
19 the project. Today, Ms. Karen Butler, Community
20 Assistance and Technical Services Manager, from the
21 Central Office Region of Pipeline -- the Office of
22 Pipeline Safety has explained to me that some
23 original documentation by Rockies Express used 90
24 percent, but it looks today -- as it looks today, the
25 maximum percent of common corridors for the eastern

1 segment of REX will be 50 percent.

2 I believe that locating a pipeline in
3 the middle of undeveloped tracts of land in the
4 pathway of residential development is a hazardous
5 proposition. In subdivision design, the central part
6 of most undeveloped tracts will have new roads to
7 provide frontage for new lots. Placing a pipeline
8 through the center portion of an undeveloped field
9 virtually guarantees that the pipeline easement will
10 be located in the side, front and rear of some future
11 subdivision lots. Roadbeds will be excavated and
12 compacted over and near the pipeline. The
13 foundations of new homes, garages, swimming pools and
14 other accessory structures will be excavated in the
15 immediate vicinity of the pipeline. It is also
16 guaranteed the pipeline will be crossed and paralleled
17 by underground power lines, sanitary sewers or leach
18 lines for septic systems, storm sewer, water lines,
19 along with buried telephone and cable television
20 services. Since all these underground utilities
21 break on occasion, there will be a continual cycle of
22 excavation and repairs in and around the pipeline.
23 As the subdivision matures, homeowners will continue
24 to dig holes for fences, drainage and other home
25 improvement projects.

1 In contrast to a central location on
2 undeveloped land, if a natural gas pipeline easement
3 were placed along the existing property boundary, the
4 probability of it remaining in the sheltered rear
5 yards of new lots is greatly increased. So while
6 locating the pipeline in the middle of a track away
7 from existing residences on neighboring property may
8 allow the pipeline company to reduce initial
9 installation costs, it actually makes the pipeline
10 much more vulnerable to damage by excavation in the
11 future than a line along existing property lines of
12 undeveloped land.

13 If REX does not change the proposed
14 bypass route in Clearcreek Township to a less
15 vulnerable position -- location on undeveloped land,
16 the only remaining tactic to keep this pipeline safe
17 is unusually easement language. I have requested the
18 standard easement language proposed for this area for
19 REX East Right-of-Way Supervisor, Lloyd Harrison. He
20 has explained that Kinder Morgan, legal counsel, is
21 still reviewing the language and it is not available
22 to me. In an E-mail to FERC, I claimed I was being
23 stonewalled by REX on this matter and requested a
24 citation of the federal regulations containing the
25 minimum standard restrictions for pipeline easements.

1 I was E-mailed a pamphlet and told that FERC does not
2 get involved in negotiations between owners and
3 pipeline companies.

4 If the federal government is going to
5 grant a for-profit enterprise the right to confiscate
6 the use of an owner's land, our government should be
7 both interested and involved in how restrictive the
8 easement language will be. A few words in an
9 easement document could have a tremendous impact on
10 the future uses of the affected land. I submit, if
11 REX chooses to use its easement language to
12 discourage or stop public street and parking lot
13 construction of its thinner than usual Class 1
14 pipeline, it is an interference in the responsibility
15 of local government to plan land uses and address
16 vehicular transportation issues. Similarly, I
17 contend that unusually restrictive easement language
18 could be employed by REX to discourage and prohibit
19 the efficient expansion of power, water, storm and
20 sanitary sewers by local government. So I
21 respectfully request that FERC accept responsibility
22 to monitor the proposed REX easement language and
23 assure that it does not impede the rights and
24 responsibilities of local governments.

25 In conclusion, the Board of Township

1 Trustees has adopted Resolution No. 3132, requesting
2 that FERC requires REX to employ only Class 2 rated
3 pipe in all of Clearcreek Township. Secondly, the
4 Resolution requests that REX be required to co-locate
5 its pipeline adjacent to the existing natural gas and
6 fuel product pipelines that traverse the Township.

7 As an alternative, if FERC will not
8 order co-location, the Resolution requests that REX
9 be required to choose a route that makes the pipeline
10 follow boundary lines of the existing undeveloped
11 tracts whenever possible.

12 Finally, the Resolution requests that
13 FERC review the proposed easement language and order
14 removed any language that impedes local government of
15 responsibilities relating to roads and utilities.

16 Finally, I request that FERC require
17 REX to prepare a study comparing the cost of using
18 Class 2 pipe rather than Class 1 in all of Clearcreek
19 Township.

20 I'd like to proffer my comments in
21 writing, along with a copy of the Resolution if you
22 would permit it.

23 MS. LYKENS: You want to submit it to
24 us?

25 MR. PICKETT: Yes.

1 MS. LYKENS: Yes. Thank you.

2 (APPLAUSE)

3 Beverly Listerman. Is Beverly
4 Listerman here?

5 (NO RESPONSE.)

6 David Wickerson, Wilkerson. David
7 Wilkerson.

8 MR. WILKERSON: I believe Mr. Pickett
9 said it all right there.

10 MS. LYKENS: Okay. Joe Kularity (sic).

11 MR. KULIFAY: Good evening. My name
12 is Joseph Kulifay. That's (spelling) K-U-L-I-F-A-Y.

13 I thought I'd make a comment here and
14 it basically unfolds very similarly to the past
15 conversation of some of the concerns of the citizens.
16 I'm a property owner and a land developer in the area
17 and currently, I own a piece of property that this
18 pipeline is going to impact.

19 I have not received any formal
20 notification of any kind prior to two weeks ago, nor
21 did I know that any of my properties, of which I own
22 several in Butler County, are going to be impacted by
23 this particular project. We have read about it in
24 the newspaper, but without any kind of formal
25 notification, we really didn't have any ability to

1 take a look to see what that would comprise and what
2 that would actually do for our property valuations
3 and the kind of routing.

4 Several weeks ago, I had interactions
5 with a right-of-way agent and I gave the right-of-way
6 agent permission to utilize my property for a survey
7 with some recommendations and showing plats to try to
8 modify the routing as the fella from Clearcreek had
9 said earlier, through the midpoint of my particular
10 property comprises 60-plus acres. In talking to him,
11 he did his due diligence and took it forward to the
12 REX people and I never did hear anything back from
13 that. In fact, I contacted him here several days
14 back and asked what the situation was and he said he
15 hadn't any information back. Again, I clearly feel
16 that there is a lack of due diligence by REX to
17 notify the property owners and try to go forward to
18 work, as the other fella said, along property lines
19 or borders, existing utility easements, et cetera.
20 It's been pretty much an ad hoc type of operation.
21 In speaking to the man, he's just a right-of-way
22 agent and he was very apologetic. He did call -- had
23 the courtesy to call me and notify me that there was
24 this meeting here this evening, but we had already
25 read that in our -- in the newspaper. In fact, the

1 only contact I had ever received was through a
2 realtor sign that I had on one particular piece of
3 property and that's just been within the last few
4 weeks. So I think that there's been a lack of due
5 diligence and you, as FERC, you know, you're the
6 monitoring agency and I realize there has to be
7 improvements made for our society, but quite frankly,
8 the -- if you had listened to the concerns issued by
9 the past few speakers prior to me, it seems to be
10 like there is an inherent lack of ability to want to
11 interact with the people and to try to work this out.
12 I did not confront the right-of-way person and say,
13 not on my land, not on any day and not in my back
14 yard. We realize -- I work as a civil constructor
15 and own a civil construction business and we realize
16 that progress is in the making. This is a highly
17 developed and highly expensive piece of property,
18 Butler and Warren County, that this pipeline is going
19 to go through and I would expect that there would be
20 at least a little more consideration from a planning
21 stages in order to do that because myself, as a
22 property owner, of which I would be impacted by
23 thousands of dollars, I have yet to receive a
24 preliminary routing, other than what I called the
25 right-of-way agent and he showed me a basic

1 topography on an aerial to say this is where it could
2 go. And in talking to him, just as this other fella
3 had indicated, I said, "Well, could we run along an
4 existing power easement, maybe have the loss of
5 several lots?" I was informed that it was still
6 going to go along what they considered their initial
7 routing which then, I have a rural subdivision there
8 that I'm developing of five-acre lots. There's 12
9 lots there approximately and this point in time, this
10 particular situation, instead of having impacted one
11 lot or two lots, considering the building setbacks,
12 et cetera, I am still in the same position with eight
13 out of 12 of these lots are going to be impacted with
14 quite a large pipeline, quite a large right-of-way.
15 And I've had to put this together all on my own, and
16 I feel, quite frankly, that there is lack of
17 supervision from your forces in order to see that
18 even during the preliminary processes, prior to them
19 making application, there is such a thing as due
20 diligence and without that due diligence, I would
21 think any people in these townships or these counties
22 or represent property (INDISCERNIBLE) over officials.

23 And with that being said, I just would
24 kind of hope and I know everybody here wants to see
25 progress, but not in their back yard, but there has

1 to be some semblance of order and some semblance of
2 professionalism to follow forward with this in order
3 to mitigate and in the environmental and economic
4 impacts that it is going to have on all these
5 communities and I don't feel that they did that --
6 that's transpired.

7 Thank you for your time.

8 MS. LYKENS: Thank you. John Rowe.

9 MR. ROWE: John Rowe (spelling)
10 R-O-W-E and I live at 78 Mound Road, Wilmington,
11 Ohio, 45177. The pipeline is, basically, going
12 through all 20 acres of my property. It's crossing a
13 state park, one side of Ceaser's Creek and then
14 cutting diagonally through my property.

15 I only have general comments right
16 now. I'll submit specific comments later, but after
17 listening to the other speakers, I feel that there's
18 an obvious trend here and that is the due diligence
19 that was just brought up by the previous gentleman.

20 Fairness is a procedure that's been
21 very restricted. Time lines have been far too short
22 to allow private property owners, as well as
23 communities in the pipeline to digest the impact and
24 discuss among themselves how it will impact
25 individuals and communities. The process began in

1 June and at the time, you conducted meetings which
2 were mainly organized around getting property owner
3 permission to survey. Not much information sended
4 (sic).

5 These meetings were organized by
6 Kinder Morgan for REX and, frankly, there is just
7 very little cooperation in terms of giving
8 communications between the property owners and REX.

9 The information I obtained, I had to
10 dig out. We're now into September and the scoping
11 meetings are -- conducted by FERC -- are going to be
12 completed September 29 for these comments. I had to
13 drive an hour and a half to get here. There were no
14 meetings near enough to me to make it convenient for
15 me to attend, and to a certain degree, I don't know
16 who's responsible for this, but this procedure has
17 been far too restrictive and if we continue this
18 path, my understanding is the approval of the project
19 is slated in February. That is far too short of a
20 time line for a project of this magnitude.

21 Okay, the second area of concern that
22 I have is construction and safety. Regardless, the
23 pipeline should be made of the highest grade material
24 available. This is the largest such pipeline
25 constructed in over 20 years in this country. It's

1 to carry two billion cubic feet of gas per day.
2 That's a huge amount of gas. We are in a different
3 age now.

4 The current information we have is the
5 pipe is to be buried under a mere 36 inches of dirt.
6 That is far too shallow for a pipeline carrying this
7 much explosive gas. Any farmer knows that fence
8 posts can be driven 36 inches without much trouble.

9 Because we are in a different age, we
10 recommend the project also be under the supervision
11 of Homeland Security to limit the potential for
12 sabotage or terrorism and insure that automatic
13 shutoffs be put in appropriate places in case of a
14 breach. At 36 inches, it makes it perfectly easy
15 target for such activities.

16 I should mention that there are 12
17 deaths per year in the U.S. as a result of an
18 accident involving gas pipelines; that's an average,
19 and thousands of deaths globally. Kinder Morgan
20 doesn't have a stellar record when it comes to this.

21 The final issue is private property
22 and eminent domain. Because the pipeline can still
23 be moved, we recommend a few of the recent eminent
24 domain cases in Ohio and New Jersey, as well as the
25 Bush Administration's promise not to invoke eminent

1 domain and federal projects except in the case of
2 hospital and road construction that if a mutual
3 agreement cannot be reached between Kinder Morgan and
4 the property owner, that the law of eminent domain
5 not be invoked, but rather a secondary route for the
6 pipeline would be a solution. The rights of property
7 owners must be respected in this case. There is an
8 existing corridor for which an easement is in place
9 and that route should be followed unless there are
10 absolutely no other alternatives. There is no
11 reason, except the lower cost to Kinder Morgan to do
12 otherwise. This should be clearly stated by FERC or
13 the appropriate agency before the construction which
14 is latest stage.

15 Thank you.

16 MS. LYKENS: Thank you. I'll need
17 help with one. Jim Buell, Buhol?

18 MR. BUEHRLE: Buehrle.

19 MS. LYKENS: Buehrle; I'm sorry.

20 Would you please spell your last name for us?

21 MR. BUEHRLE: That's B-U-E-H-R-L-E, as
22 in Mark Buehrle, Chicago White Sox, starting pitcher.
23 I live at 5600 Eulick Road, Clearcreek Township, and
24 I guess I'm in a little different position here than
25 most of these people speaking. I have a pipeline on

1 my property and despite what Mr. Pickett said, based
2 on my property taxes, Clearcreek Township cannot
3 believe that that lowers property values.

4 (APPLAUSE)

5 Second of all, it seems like if you
6 have a pipeline close to your house on your property,
7 it's, well, let's dump it on those guys again. I
8 already have a (INDISCERNIBLE), not in my back yard.
9 Well, it's in my back yard. Well, that's fine, but
10 for everyone come up here and say, well, let's just
11 put another one in his back yard because he already
12 has one there, I would say that I don't think that's
13 overly fair. First of all, if I got one pipeline and
14 if you put another one close to it, if you have an
15 explosion on one, it'll try to take out the other
16 one. So now you have a bigger explosion and a bigger
17 problem, plus you have to shut down pipelines in
18 order to stop the fire.

19 Another thing, they're talking about
20 putting in the best material possible, well, but you
21 got two pipelines running side-by-side, regardless of
22 how good you build the new one, its vulnerability
23 would be linked to what is in the ground already. So
24 I don't understand why they're going to say, well,
25 let's put the two together, but you gotta build this

1 one out of this real good material, `cause if the
2 other one blows up, the new one's going to blow up,
3 too.

4 And I guess alot of people in my
5 situation won't be at these meetings, `cause you
6 notify people who have property which the pipeline is
7 already going through or planned to go through. You
8 don't notify people who will be put through the
9 easement already there, then, you know, these people
10 don't get a second. So I would say as you study the
11 routing, I understand no one really probably wants it
12 on their property, but you know, just because we have
13 pipelines already on our property doesn't mean we
14 don't also -- or should not have some rights also.

15 Thank you.

16 MS. LYKENS: Thank you.

17 (APPLAUSE)

18 Bill Triick.

19 MR. TRIICK: Good evening. My name is
20 Bill Trick (spelling), T-R-I-I-C-K, and I'm with the
21 Chamber of Commerce and serve Middletown, Monrow and
22 this community, Trenton. Our address is 1500 Central
23 Avenue, Middletown, Ohio, 45044.

24 While we don't desire to appear to be
25 impeding a normal commercial progress, we do care an

1 awful lot about the impact on the local businesses
2 and commercial property owners and our optimal land
3 utilization. We're concerned about the right-of-way
4 location and what, if any, restrictions will property
5 owners have to observe in the right-of-way or near
6 the right-of-way, and I would underline or underscore
7 what many of the other people are speaking tonight
8 about the lack of specificity in this particular
9 regard.

10 How firm is the right of way. I would
11 assume that based upon your silence to an earlier
12 question that it's really only proposed and not
13 finalized. It would be nice to have that clarified.

14 What land acquisition processes are
15 already underway, if any? Have you or are you in
16 direct contact with the appropriate impacted land
17 owners? I don't think you are at least with 100
18 percent, according to what this gentleman just said
19 prior to what, you know, to my comments.

20 I'd like you to be more specific about
21 your planned construction start dates and end dates.
22 And, finally, we're very interested in the potential
23 utilization of local contractor resources for the
24 work in this particular area should this project go
25 forward.

1 Thank you.

2 MS. LYKENS: Thank you.

3 MR. SCHENKLE: Ma'am, could I get on
4 the list to --

5 MS. LYKENS: Yes. I was just gonna
6 say that was my last speaker. If there was anybody
7 else who would like to speak, please come forward.
8 Please come forward and state your name. Spell your
9 last name also, please. Thank you.

10 MR. SCHENKLE: Yes. My name is Bill
11 Schenkle. I own a farm in Waynesville, 5760 O'Neill
12 Road and the pipeline is going through our property.
13 It's about, maybe, 250 feet from the other four
14 pipelines of Texas Eastern that go through our
15 property. I was not advised that they were going to
16 be there and I was back -- We have cattle -- and I
17 was back checking our cattle and I saw these guys up
18 on the little rise, surveying and I asked them what
19 they were doing and they said, "Oh, we're just
20 surveying for a new pipeline." And I considered that
21 trespassing since I was not advised. So I went back
22 to the house and I said, "I think --" I told my
23 wife, I says, "I think that we're getting another
24 pipeline." But anyway, I also -- My sons and I farm
25 close to 1800 acres and the pipeline is going to go

1 through approximately -- not approximately -- several
2 hundred acres of our farm ground. We don't own all
3 the farm ground, but we rent quite a bit. And you
4 said the pipeline was going to be 31 inches to the
5 top or from the top to the surface. We have what
6 they call a knife plows that go into the ground and
7 put in anhydrous ammonia in the ground prior to our
8 planting the corn and they go down about 25 inches.
9 So I don't think that that is very wise for us to put
10 those things in the ground and do the plowing if
11 those, if the pipeline is going through our farm
12 ground. So it just don't make any sense to me. I've
13 got the Dayton Power and Light high tension lines
14 going through the back of my property. I've got,
15 well, Texas Eastern going through and now this will
16 be another one that will be going through, and I
17 don't get paid a thing for it, and I'm not looking to
18 be paid. What I'm looking for is relief because a
19 local real estate agent, son of the gentleman that
20 sold me the farm back in '73, he sold me the farm and
21 his son came, oh, it's been maybe two or three years
22 ago and asked me if I would take a million dollars
23 for my farm, and I told him "No, I will not take a
24 million dollars." I said, "This farm is not going to
25 be -- have houses built on it," because I didn't want

1 houses built, and that's what he wanted to do. And
2 if I ever wanted to sell it after the pipeline goes
3 through, I wouldn't get anything for it.

4 So that's my feeling on this
5 particular project. Thank you.

6 MS. LYKENS: Yes, please. Come to the
7 microphone. Please spell your last name.

8 MR. WILKERSON: David Wilkerson
9 (spelling) W-I-L-K-E-R-S-O-N. I'm a landowner in
10 Warren County. This project doesn't affect me, but
11 future projects like this could. One of the things
12 -- The only information that I could find is what I
13 find in the paper and I just happened to find out
14 about this one in the paper for this meeting here.
15 The other meetings that they said that they had and
16 everything, I've never heard not a word -- not one
17 word about 'em until it was already too late. The
18 meeting had already been. It was posted in the
19 paper, but what I'd like to know is that with this
20 being such a huge project with lots of money in
21 there, is this going to be a prevailing wage project,
22 since the federal government's involved with it. And
23 also who will be responsible for the certified wage
24 sheets in every county across this pipeline. And
25 also will local companies be able to bid on portions

1 of this pipeline; example, metering and the
2 compressor stages. And I guess what I'm looking for
3 also is that in Butler County, we have a severe case
4 and really, it's really across the entire country,
5 illegal immigrants coming in, taking people's jobs.
6 We have a problem with that and, you know, I don't
7 have a problem with Rockies Express, but I notice
8 that they're out of Texas and that's where the
9 majority of these people come from and we would like
10 to know what is the federal government going to do
11 about making sure that everybody who works on this
12 pipeline is a U.S. Citizen.

13 Thank you very much for your time.

14 MS. LYKENS: Thank you.

15 (APPLAUSE)

16 Is there anybody else who'd like to
17 speak. Please come forward. Oh! I'm sorry, there's
18 two of you.

19 MS. ASBURY: My name is Marilyn Asbury
20 (spelling), A-S-B-U-R-Y. My address is Post Office
21 Box 262, Waynesville, Ohio, 45068.

22 I really did not plan to speak, but I
23 think you should know that I am one of the farms that
24 Mr. Schenkle farms, he and his sons. It lies between
25 Waynesville and Lebanon, in Warren County which is

1 fast growing. My property has -- joins Texas Eastern
2 pipeline between and then my property joins the golf
3 course. I'm on a limited access highway and we
4 really didn't know much of this was going on. Mr.
5 Carsons called the rental people that lives in the
6 house on this one farm and left a message. Nobody
7 knew anything that was going on. They never heard of
8 it, so we just thought it was just another rumor. I
9 did not return his calls until I saw it in the paper.
10 It was going to be a meeting at Kings Island. We
11 attended that meeting. Mr. Parson's assured me that
12 they had sent me a packet of information which I
13 never received. When it did come, it was postdated
14 after the meeting in Kings Island. He also assured
15 me that I would be notified before anybody come to
16 survey; I was not.

17 Since Warren County, as everybody
18 says, is fast growing, if you go through my property,
19 I think you should go closer to Texas Eastern line
20 which would be between where your standard survey
21 stakes and the golf course, because Texas Eastern is
22 closer to that direction.

23 I request that I would like for you to
24 follow more of my property line, but you're not;
25 you're going right by (INDISCERNIBLE), going down

1 through my farm and it goes from Route 42, down to
2 what we call the River Road which runs right down to
3 the Little Miami River.

4 As I said, I'm not contacted by
5 anybody and I didn't receive your latest packet of
6 information. I feel that at my age, if I want to
7 sell my property, that it's going to lower the value
8 tremendously.

9 I know that my daughter is not going
10 to be a farmer. I think you should consider that the
11 inheritance we would like to either sell it, maybe
12 and eventually. I think all of these considerations
13 should be considered and I have been --

14 Well, I received advertisements,
15 questions and things from realtors and different
16 people, even knocking on my door, wanting to know if
17 I'm interested in selling, and I was told by Mr.
18 Parsons that if somebody purchased it and wanted to
19 build houses, they could use the green space. You
20 cannot put a fruit tree; you cannot put a swimming
21 pool; you cannot build a house, anything over the
22 property line. And one of my routes off the route
23 will be two -- it's a lane, which would line up into
24 where this -- your survey has gone. So I just
25 thought maybe that should be brought to your

1 attention.

2 Thank you.

3 MS. LYKENS: Thank you. Yes. Please
4 come forward; thank you.

5 MS. TILFORD: My name is Susan Tilford
6 (spelling), T-I-L-F-O-R-D. I live at 530
7 Millville-Oxford Road which is U.S. 27, in Butler
8 County, north of Millville.

9 Initially, I did not intend to speak;
10 however, I have sat here and listened to a great many
11 concerns that people have and different statements,
12 and I have to do with the code order concept because
13 currently, we have CG&E or Duke Energy now, the 745
14 electric transmission lines on our property, an
15 easement for those. We also have the Texas Eastern
16 easement. We are now going to have the Duke easement
17 or this -- not Duke, not this one. This is the REX
18 easement which we were told by the right-of-way agent
19 would be adjacent to the easement for the 745 line.
20 It is not adjacent. The survey stakes are at least
21 200 feet or more north of the existing right-of-way.

22 Another concern that I have is the
23 Mid-Continent Express pipeline. This is proposed;
24 it's on your website as of August of this year. I'm
25 sure that it's going to occur or at least go through

1 our place somehow only because there is no other
2 opening on 27, except for the property that we have,
3 no other open frontage. And I'm concerned, and I
4 spoke to you outside in the hallway, just as the
5 gentleman from Wilmington about the Homeland
6 Security. We just had the anniversary of 9-11 and
7 within 2,000 feet, we're going to have a major
8 electric mine, four pipelines because there are three
9 when I refer to Texas Eastern in that easement and
10 possibly another one, and it won't be long and I
11 guess you all, it will probably be different people,
12 but FERC will be here again with this Mid-Continent
13 Express line, having another hearing. And my concern
14 is that there doesn't seem to be any -- We talk about
15 an environmental study. We are people. This
16 property is our retirement which there is no way you
17 can develop and when the gentleman from Clearcreek
18 talks about the subdivisions there, we have a street
19 that deadends with the subdivision into our property
20 right now, so that we too, and there again, what
21 recourse do we have for bigger pipelines, for roads,
22 for damages. And this does affect the county and it
23 affects the whole area because, like, this is no
24 longer an agricultural area. Butler County and
25 Warren County are very quickly reaching their

1 agricultural status, much to my dismay. And we --
2 someone, and it's FERC if it's the federal
3 government, who has the final say-so, and I really do
4 think that all of these lines should be taken into
5 consideration and a master plan of some kind be made
6 right now with these two lines, the proposed
7 Mid-Continent Express and this REX line, especially.

8 Thank you.

9 MS. LYKENS: Thank you. Is there
10 anybody else who'd like to speak tonight. Yes.
11 Please come forward.

12 MR. GRECCO: My name is Anthony
13 Grecco. I have a piece of property out in Monroe and
14 -- Excuse me -- I have not seen the ultimate layout
15 of the pipeline and I was promised that I was going
16 to get some information and I've not got it, and I
17 would like to know what are our rights to oppose the
18 building of this pipeline. As the lady just said, we
19 are no longer an agricultural area and it's -- we ask
20 -- very, very heavily populated with, not only a
21 subdivision of residential crossed with industry and
22 commerce, and I would like, again, to know what kind
23 of rights do we have to opposed, if we have to.
24 Where can we find this information?

25 MS. LYKENS: Are you expecting me to

1 answer that, sir? I was looking for your comments.
2 The best way to find information is to look on our
3 website, under the docket number for this project
4 which is P, as in Paul, F, as in Frank, 06 DASH 30,
5 and every information and every letter or comment
6 that's filed is placed on that docket.

7 MR. GRECCO: Okay.

8 MS. LYKENS: Okay. And the website
9 also has information, what citizens should know. The
10 website is www.f-e-r-c.gov,g-o-v.

11 MR. GRECCO: Okay. So if we would
12 decide to strongly oppose the building of this line,
13 do we have to go through that route?

14 MS. LYKENS: You should file your
15 comments. You've already gone on the record tonight,
16 stating that, your opposition, but if you'd like to
17 submit it in written form, you can do that, as well.

18 MR. GRECCO: Well, this is all I have
19 to say. Thank you.

20 MS. LYKENS: Thank you.

21 MR. HAMMER: There is information on
22 how to access the website on the table in the back.
23 There are two pamphlets that'll describe for you that
24 information.

25 MS. LYKENS: Is there anybody else

1 to Rockies Express about that.

2 MS. LUEHRMANN: Okay, thanks.

3 MS. LYKENS: Thank you. Is there
4 anyone else who'd like to speak tonight?

5 (NO RESPONSE.)

6 All right. Before I close the
7 meeting, then, I just wanted to briefly state again I
8 appreciate that you came out tonight. Your concerns
9 are on the record for this proceeding.

10 I'm also just a little concerned about
11 where you folks feel we are in the process. The
12 process just began in June and I wanted to let you
13 know that even the Commission does not have any maps
14 of this project yet. We are working with -- Rockies
15 is working to talk to you on the ground, at the
16 ground level to try to get survey permission and just
17 to get an idea of where they would like to route the
18 pipe and, certainly, the Texas Eastern is one of the
19 pipelines out there that they'd like to look at
20 co-locating with. But as soon as the mapping that --
21 and more information is available, it will be
22 available on our website. The mapping, hopefully,
23 will be placed in libraries along the route for those
24 of you to see, and you should also be getting,
25 eventually, down the road, the property tracts with

1 maps, mapping information on your properties.

2 So I just want to say again that we
3 are very early. There is what information that's on
4 record is in the Commission is on the website, under
5 the docket and if you have any other questions,
6 please see us outside afterwards.

7 And one more thing about that comment
8 about the close date of September 29th, please, I
9 stated earlier that was just to gauge the initial
10 issues, but you can disregard that date. I don't
11 want you to think that we're going to close down and
12 not accept your issues and concerns. We are on
13 pre-filing. Rockies does not, does not intend to
14 file until spring of 2007. We will be in pre-filing
15 that entire time.

16 In addition, once Rockies files its
17 application, if they do, then there is going to be
18 ample opportunity to participate. You could file to
19 intervene; there is other ways to participate in this
20 proceeding. So I just want to try to reassure you
21 that we are taking the comments into consideration
22 and as you can monitor what the progress of this
23 proceeding is taking on the website and where we are
24 in the process and feel free to continue to comment
25 on the things that are on the record.

1 So with that being said, thanks again
2 for coming out. I appreciate it and let the record
3 show that this meeting concluded at 8:55. Thank you.

4 - - -

5 (At 8:55 o'clock, PM, the meeting was concluded.)

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C E R T I F I C A T E

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

I, Edna M. Hawkins, a duly qualified and
commissioned Notary Public within and for the State
of Ohio, do hereby certify that at the time and place
stated herein, and in the presence of the persons
named, I recorded in stenotypy and taperecorded the
proceedings of the within-captioned matter, and that
the foregoing pages constitute a true, correct and
complete transcript of the said proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand at Cincinnati, Ohio, this 19th day of September,
2006.

My Commission Expires: _____
September 3, 3007 Edna M. Hawkins
Notary Public - State of Ohio